

### **REMARKS**

This Amendment is responsive to the Final Office Action mailed October 1, 2007. Applicants request reconsideration of the application in view of the following remarks.

Claims 1-8 and 14 are currently pending in this application and are subject to examination. Claims 1 and 14 were amended. Support for the language introduced into the claims is found in paragraph 34 (“A laminate comprises a soft, low density polyurethane foam adhered by an adhesive layer to a higher density barrier layer.”), and Figure 1. Claims 10, 11 and 21 are canceled, without prejudice or disclaimer.

#### ***Claim Rejections - 35 U.S.C § 112, Second Paragraph***

The rejection is rendered moot because claims 10 and 11 have been canceled.

#### ***Claim Rejections - 35 U.S.C. § 102(b)***

Claims 1-8, 10-11, 14 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,804,113 (Blackwell). Specifically, the Examiner asserts that Blackwell “discloses preparations of polyurethane foams materials having densities as claimed prepared by mixing and reacting polyols meeting those as claimed by applicants, isocyanates including TDI and MDI in amounts as required by applicants’ claims, water as a blowing agent, catalysts, surfactants, fire retardants, and other additives under controlled and reduced pressures as claimed by applicants and wherein the reactive mixtures are placed against barrier films during formation”. Applicants respectfully traverse the Examiner’s rejection of claims 1 and 14 as amended.

Claim 1 recites a process for producing a thermoformable polyurethane foam-containing sound insulative laminate, comprising, in part, “preparing a foam-forming composition,” “forming the polyurethane foam from the foam-forming composition” under vacuum conditions to create a lower density foam, and “adhering a layer of the polyurethane foam to a barrier layer with an adhesive layer to form the sound insulative laminate.”

Claim 14 recites a sound insulator for an instrument panel, comprising, in part, “a flame retardant, thermoformable, flexible, open celled polyurethane foam” where such

foam is in the form of sheet or slab and “a reinforcement, backing or decorative covering” is adhered to at least one surface of the foam with “an adhesive.”

In addition, claims 1 and 14 specify that the barrier layer or reinforcement layer comprises filled asphalt, filled EVA, filled EPDM, filled rubber, filled PVC, bitumen, or a combination of any of these materials.

Blackwell does not disclose each and every limitation of claims 1 and 14. Blackwell does not disclose preparation of any sound insulative laminates, and does not disclose an adhesive layer to adhere a polyurethane foam to a barrier layer or reinforcement layer. Furthermore, Blackwell does not teach the specific barrier layer materials (filled asphalt, filled EVA, filled EPDM, filled rubber, filled PVC, bitumen, or a combination of any of these materials). Instead, Blackwell teaches generally that slabstock polyurethane can be made continuously in equipment that controls the foaming pressure range. (*See* Blackwell, Column 1, lines 9 through 67, and Column 2, lines 1-67, and Column 3, lines 1-53).

Blackwell permits the foam-forming mix to spill onto a bottom paper or film 10 so that it may be conveyed away from the mix head. This bottom paper or film 10 is conventional in slabstock foam equipment. It is not a “barrier layer” or “covering” within the scope of applicants’ claims. Blackwell’s bottom paper or film prevents the foam from sticking to the conveyor. This paper or film is removed from the foam bun when the foam is further processed for end use, and is not “adhered” or “bonded” to the foam with an adhesive layer, so as to remain connected to the foam. Unlike the barrier layer in claim 1, which is “adhered to” the polyurethane foam, the paper or film used in Blackwell is required to be easily separable from the foam and does not remain connected to the polyurethane foam. Therefore, the barrier layer of claim 1 is not taught or suggested in Blackwell.

Claims 1-8 and 14 distinguish from Blackwell. Accordingly, Applicants respectfully request that the rejection of pending claims 1-8, and 14 under 35 U.S.C. § 102(b) in light of Blackwell be withdrawn.

***Claim Rejections - 35 U.S.C. § 103(a)***

Claims 1-8, 10, 11, 14 and 21 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 6,372,812 (Niederoest). According to the Examiner, Niederoest “discloses preparations of polyurethane foams materials prepared by mixing and reacting on a conveyor belt polyols meeting those as claimed by applicants, isocyanates including TDI and MDI in amounts as required by applicants’ claims, water as a blowing agent, catalysts, surfactants, fire retardants, and other additives under controlled and reduced pressures as claimed by applicants and wherein the reactive mixtures are placed against barrier films during formation.” The Examiner admits the densities of polyurethane foams disclosed in Niederoest do not meet Applicants’ claims. Applicants respectfully traverse the Examiner’s rejection of Claims 1 and 14 as amended.

Niederoest does not suggest nor teach all the claim limitations. Niederoest does not disclose a “barrier layer” adhered with an “adhesive layer” to a polyurethane foam to form sound insulative laminates as required in Applicants’ claims. Rather, Niederoest discloses low density polyurethane foams used for making furniture and seat cushions. Similar to the distinction made with respect to Blackwell above, Niederoest causes the foam-forming mixture to spill onto a moving conveyor. The foam that rises as it is conveyed on the conveyor is not adhered to the conveyor to form a sound insulative laminate. The conveyor 28 forms a continuous loop that returns to receive new foam material. (*See* Niederoest, Column 2, lines 54 through Column 3, lines 41). Niederoest does not include an adhesive layer to adhere a barrier layer to a foam layer. Thus, Applicants’ claims are patently distinguishable from Niederoest for this reason, without even mentioning the different density ranges already noted by the Examiner.

Applicants respectfully disagree with the Examiner. Niederoest’s conveyor belt is not the same as the barrier layer of claim 1. Niederoest discloses that the conveyor belt is supports the polyurethane foam during its formation, but then the formed foam separates from the conveyor. In contrast, the barrier layer in claims 1 and 14 is “adhered to” the polyurethane foam with an adhesive and forms a new product, a sound insulative laminate. The barrier layer in claims 1 and 14 does not function as a conveyor belt to convey material. Furthermore, the sound insulative laminate requires two other components in addition to the foam, a barrier layer and an adhesive, which makes such claimed laminate very different from the polyurethane foam disclosed in Niederoest.

For these reasons, the Examiner has failed to establish a *prima facie* case of obviousness in view of Niederoest. Accordingly, Applicants respectfully request that the rejection of pending claims 1-8 and 14 under 35 U.S.C. § 103(a) in light of Niederoest be withdrawn.

### Conclusion

In view of the foregoing, the rejections should be withdrawn and all pending claims should be allowed.

No fee is believed due for this response. If there are any fees due in connection with the filing of this response, such as a fee for an extension of time, such extension is requested and the fee should be charged to Deposit Account No. 03-2775.

Respectfully Submitted,

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